

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1638

IN THE MATTER OF:

Application of HIGHVIEW BUS) Served December 22, 1976
SERVICE, INC., for Temporary)
Authority - Regular Routes) Application No. 975

By application filed December 13, 1976, Highview Bus Service, Inc., of Capitol Heights, Md., seeks temporary authority to transport passengers, over four regular routes as hereinafter described, between the Government Printing Office (GPO), H Street, N. E., Washington, D. C., on the one hand, and, on the other, Penn-Mar Shopping Center, District Heights, Md.; Woolco Department Store, New Carrollton, Md.; Greenbelt Shopping Center, Greenbelt, Md.; and Capitol Plaza, Bladensburg, Md. Buses would depart from the Maryland points at approximately 7:00 A.M. each weekday morning (except holidays) for arrival at GPO at 7:30 A.M., and return service would depart GPO at 4:35 P.M. Applicant proposes to charge each rider \$24 for a monthly commuter pass which would entitle the bearer to transportation at any time during the month shown thereon. Service would be performed in school-type buses, each seating 40 passengers. Applicant has submitted appropriate financial data.

Highview has been providing this service for approximately three years, and asserts that it did not know until December 9, 1976, that it required authority therefor from this Commission. When so informed, applicant ceased operations and caused this application to be filed.^{1/} Accordingly, it does not appear

^{1/} Applicant ceased operating as of December 10, 1976. It has made interim arrangements for alternate service to be performed by White House Sightseeing Corporation.

at this time that applicant's past operations, although unlawful, were conducted in derogation of the Compact or with willful disregard of pertinent regulatory requirements.

Statements in support of the application were filed by 142 persons who have been utilizing applicant's service. Generally, they characterize Highview's operation as clean, reliable and courteous. Most riders assert that without applicant's service they would be forced to drive private automobiles to and from GPO and thereby suffer inconvenience of traffic, pollution, additional cost and limited parking facilities. Some riders further allege that unidentified schedules of Washington Metropolitan Area Transit Authority are not suitable, while others state that service from WMATA is unavailable. Applicant states that it knows of no other carrier authorized to provide the service applied for herein.

The Compact, Title II, Article XII, Section 4(d)(3) authorizes the Commission, at its discretion and without hearings or other proceedings, to grant temporary authority for no more than 180 days providing that there is an immediate and urgent need for the sought service which need cannot be met by existing carrier service. We find that the statutory criteria have been satisfied and that the temporary authority should be granted. Voluminous support for the application establishes the need, and the evidence indicates that there is no carrier service capable of meeting the specific need of these passengers. As noted above, White House is presently providing charter service, but the operations involved herein do not appear to involve any pre-formed charter group, except, perhaps, under the sponsorship of applicant who has sought to purchase transportation from a certificated carrier rather than knowingly operate in violation of the law or turn four bus loads of transit passengers back to their private autos. On the basis of the evidence of record to date, the Commission therefore concludes that charter authority would not satisfy the need established herein. Of course, the granting of temporary authority creates no presumption that corresponding permanent authority will be granted hereafter. 2/

2/ As of December 16, 1976, no corresponding application for permanent authority had been filed.

THEREFORE, IT IS ORDERED:

1. That Highview Bus Service, Inc., be, and it is hereby, granted temporary authority to transport passengers, over regular routes, as follows:

- (1) Between Penn-Mar Shopping Center, District Heights, Md., and the Government Printing Office, H Street, N.E., Washington, D.C., serving no intermediate points,

From Penn-Mar Shopping Center over Marlboro Pike to Benning Road, thence over Benning Road to East Capitol Street, thence over East Capitol Street to C Street, N.E., thence over C Street, N.E., to Massachusetts Avenue, N.E., thence over Massachusetts Avenue, N.E., to North Capitol Street, thence over North Capitol Street to H Street, N.E., thence over H Street, N.E., to the Government Printing Office, and return over the same route;

- (2) Between Woolco Department Store, New Carrollton, Md., and the Government Printing Office, H Street, N.E., Washington, D.C., serving no intermediate points,

From New Carrollton over Maryland Highway 450 to the Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to New York Avenue, thence over New York Avenue to North Capitol Street, thence over North Capitol Street to H Street, N.E., thence over H Street, N.E., to the Government Printing Office, and return over the same route;

- (3) Between Greenbelt Shopping Center, Greenbelt, Md., and the Government Printing Office, H Street, N.E., Washington, D. C., serving no intermediate points,

From Greenbelt over Greenbelt Road to the Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to New York Avenue, thence over New York Avenue to North Capitol Street, thence over North Capitol Street to H Street, N.E., thence over H Street, N.E., to the Government Printing Office, and return over the same route; and

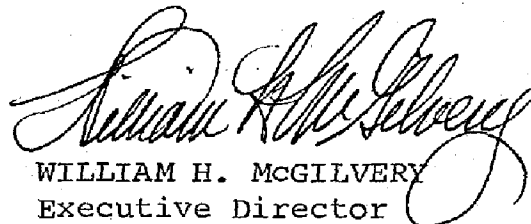
- (4) Between Capitol Plaza, Bladensburg, Md., and the Government Printing Office, H Street, N.E., Washington, D.C., serving no intermediate points,

From Capitol Plaza over Maryland Highway 450 to the Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to New York Avenue, thence over New York Avenue to North Capitol Street, thence over North Capitol Street to H Street, N.E., thence over H Street, N.E., to the Government Printing Office, and return over the same route.

2. That unless otherwise provided by order of the Commission, the temporary authority granted herein shall become effective Wednesday, December 22, 1976, and shall remain in effect through June 19, 1977.

3. That Highview Bus Service, Inc., temporary authority Tariff WMATC No. 1, issued with Application No. 975 on December 13, 1976, be, and it is hereby, accepted for filing to be effective December 22, 1976.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director